

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**ISAAC DEWAYNE RUSSELL
ADC #132326**

PLAINTIFF

V.

No. 2:06CV00208JLH/BD

WILLIAM ANDREWS, *et al.*

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections

The following recommended disposition has been sent to United States Chief District Judge J. Leon Holmes. Any party may file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date you receive the Recommended Disposition. A copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite 402
Little Rock, AR 72201-3325

II. Background

Plaintiff filed this 42 U.S.C. §1983 action on October 16, 2006. (#1) Plaintiff did not move to proceed *in forma pauperis* at the time of filing, nor was the statutory filing fee of \$350.00 paid, in order to bring this action. As such, on March 21, 2007, an Order (#26) was issued directing the Plaintiff to file an Application to Proceed *In Forma Pauperis* or pay the filing fee of \$350.00 within thirty days in order to proceed with his action. Plaintiff was warned that failure to comply with the Order could result in dismissal of his action. Plaintiff has failed to comply with the Order.

III. Conclusion

The Court recommends that the Complaint be DISMISSED without prejudice under Local Rule 5.5(c)(2) and that the pending Motion to Dismiss (#20) and Motion for Order to Issue Subpoena (#30) be DENIED as moot.

DATED THIS 8th day of May, 2007.



UNITED STATES MAGISTRATE JUDGE